

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID PROTHRO,

Plaintiff,

vs.

PLATTE VALLEY MEDICAL GROUP,
and KEARNEY REGIONAL MEDICAL
CENTER,

Defendants.

8:23CV132

ORDER

This matter is before the Court on Plaintiff's second motion (Filing No. 8) requesting an extension of time to complete service of process. Plaintiff again requests additional time to serve the defendants because he "was under the misunderstanding of [sic] that the [summons] forms were complete" and by "the time Plaintiff was aware of the situation, it was too late for timely service of documents."

It is difficult for the Court to understand why Plaintiff believed the summons forms he received from the clerk of court were "complete" because the Court's prior Order specifically stated it was providing Plaintiff with "blank summons forms" and that "Plaintiff must complete the blank summons forms for service upon the defendants." (Filing No. 7 at p. 2). Nevertheless, on the eve of the Court's September 22, 2023, deadline to complete service of process, Plaintiff has provided summons forms to the clerk addressed to each defendant. A litigant's "pro se status d[oes] not entitle him to disregard the Federal Rules of Civil Procedure[.]". *Bennett v. Dr Pepper/Seven Up, Inc.*, 295 F.3d 805, 808 (8th Cir. 2002). But, under the circumstances, the Court will provide Plaintiff with one more opportunity to accomplish service of process upon the defendants. See Fed. R. Civ. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."). Again, Plaintiff may wish to consult this Court's resources for parties proceeding without an attorney, available at <<https://www.ned.uscourts.gov/public/proceeding-without-an-attorney>>, or otherwise obtain counsel to represent him in this action. Accordingly,

IT IS ORDERED: Plaintiff's second motion (Filing No. 8) requesting an extension of time to complete service of process is granted. Plaintiff shall have an extension of time to **October 27, 2023**, to complete service of process upon the defendants. The failure to timely comply with this order may result in dismissal of this action without further notice. See Fed. R. Civ. P. 4(m).

Dated this 22nd day of September, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge